

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed July 6, 2003. Claims 1, 3, 4, 6-16, and 18-22 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-22 were originally presented. Claims 1, 3-14, and 16-22 remain in the application. Claims 2 and 15 were canceled by previous amendment. Claims 1, 6, 14 and 20 have been amended. No new claims have been added. No new subject matter has been added.

The indication of allowable subject matter in claims 5 and 17, if rewritten in independent form, is acknowledged with appreciation.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-4, 6-7, 9-14, 16, and 18-21 (including independent claims 1, 14, and 20) were rejected under 35 U.S.C. § 103 as being unpatentable over Dobler in view of Pardes.

The Applicant has amended independent claims 1, 14, and 20 to include the limitation that the transit and transition lanes are “functionally interchangeable”, and, in claim 14, that the rider access portals are “disposed along the guideway adjacent to a lane of the guideway to be locally and at least temporarily designated as the transition lane”.

These limitations are supported by the original specification at page 16 lines 7-32. This portion of the specification describes how the “transit and transition lanes [can] be interchanged when needed” so that “moving vehicles can move from one side of the guideway to the other to accommodate rider access portals on either side.” P. 16 ln 7-9. The specification also provides that “the computerized control system could employ a lane switching operation” so as to “switch[] the transition and transit lanes from side to side over time, alternately allowing rider access portals on opposing sides of the guideway to be activated.” P. 16 ln. 15-18.

The Applicant respectfully submits that the Dobler and Pardes references, when combined, do not teach or suggest these elements. Dobler does not teach a guideway with a transition lane and a transit lane, and Pardes does not teach a guideway having functionally interchangeable transit and transition lanes. Instead, Pardes teaches the use of a “siding” (Col. 6 ln. 2) or “bypass” (Col. 9 ln. 36) that is structurally and functionally comparable to a fixed

railroad siding. Pardes does not teach that this siding is functionally interchangeable with the “main guideway” (Col. 5 ln. 67) Indeed, it could not be, since the stations are located only adjacent to the sidings, and not along the main guideway. Consequently, Dobler and Pardes combined do not provide the structure and function of the Applicant’s invention.

Accordingly, the Applicant respectfully submits that independent claims 1, 14 and 20 as now presented are in condition for allowance over the cited art, and dependent claims 3, 4, 6-7, 9-13, 16, 18-19 and 21 are allowable as being dependent upon an allowable base claim.

Claim 8 was rejected under 35 U.S.C. § 103 as being unpatentable over Dobler and Pardes in view of US 2003/0094116 A1 to Ledwinka. The Applicant believes that the Examiner intended the latter reference to be to US 2003/0094116 A1 to Santti et al.

The Applicant first respectfully submits that claim 8 is allowable as being dependent upon an allowable base claim, for the reasons given above with respect to claim 1. Additionally, the Applicant submits that Santti et al teaches stairs within a vehicle to allow one to move between multiple levels within the vehicle. It does not teach “stairs to allow riders to climb into the vehicle” from a waiting platform that is “level with the riding surface of the guideway” as claimed. Accordingly, the Applicant submits that claim 8 as currently presented is allowable over the cited art.

Claim 22 was rejected under 35 U.S.C. § 103 as being unpatentable over Dobler and Pardes in view of Imada et al. The Applicant respectfully submits that claim 22 is allowable as being dependent upon an allowable base claim, for the reasons given above with respect to claim 14.

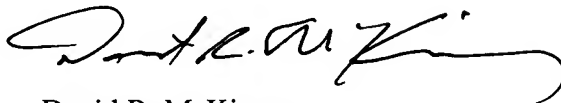
CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1, 3-14, and 16-22 are now in condition for allowance. Therefore, Applicant requests that the rejections be withdrawn, and that the claims as now presented be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the

Examiner is strongly encouraged to call the undersigned at (801) 746-8500 so that such matters may be resolved as expeditiously as possible.

DATED this 13 day of Sept., 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. McKinney", with a stylized flourish at the end.

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